

Davis Wright Tremaine LLP

LAW OFFICES

Suite 700 • 1155 Connecticut Avenue, N.W. • Washington, D.C. 20036
(202) 508-6600 • Fax: (202) 508-6699
Website: <http://www.dwt.com>

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SEP 27 1996

Richard L. Cys
(202) 508-6617

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

September 27, 1996

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

BY HAND

Re: In the Matter of Telephone Number Portability,
CC Docket No. 95-116

DOCKET FILE COPY ORIGINAL

Dear Sir:

Enclosed for filing on behalf of NEXTLINK Communications L.L.C. in the above-captioned matter are the Opposition of NEXTLINK Communications L.L.C. to US WEST's Petition for Reconsideration and Clarification of the Commission's First Report and Order and Further Notice of Proposed Rulemaking released July 2, 1996, and an attached Declaration. An original and 15 copies are included for distribution to the Commissioners.

Copies of the Petition have been served on parties on the Commission's service list, a copy of which is attached, and upon counsel for US West. A copy of the Petition in hard copy and on 3.5" WordPerfect 5.1 read only diskette has also been delivered by hand today to the International Transcription Service. As a courtesy, NEXTLINK will also send copies of the Petition to the parties listed in the First Report and Order, Appendix A.

Please date stamp and return to the messenger the copy of this letter.

Very truly yours,

Richard L. Cys
Richard L. Cys

Counsel for NEXTLINK
Communications L.L.C.

RLC/ck
Enclosures

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List A B C D E

Copies to service list:

Edwin N. Lavergne
Ginsburg, Feldman & Bress
1250 Connecticut Ave., NW
Washington, D.C. 20036

Office of Advocacy
US Small Business Admin.
409 3rd Street, SW
7th Floor
Washington, D.C. 20416

Tom Harris
Oregon Public Utility Commission
550 Capitol Street, NE
Salem, OR 97310-1380

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)
Telephone Number Portability)
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CC Docket No. 95-116
RM8535

OPPOSITION OF NEXTLINK COMMUNICATIONS L.L.C. TO
US WEST'S PETITION FOR RECONSIDERATION
AND CLARIFICATION

NEXTLINK COMMUNICATIONS L.L.C. ("NEXTLINK") respectfully opposes US WEST's Petition for Reconsideration and Clarification of the Commission's First Report and Order and Further Notice of Proposed Rulemaking ("Report and Order") released July 2, 1996.

I. SUMMARY

1. As a result of the Commission's thorough evaluation of the factors supporting its adopted schedule for implementing local number portability, no additional delay in implementation is warranted, and US WEST does not advance any sufficient reason in support of its requests for such a delay.

2. First, NEXTLINK believes that the Commission's schedule provides ample opportunity for LEC's such as US WEST to conduct intra-network testing and to make required modifications to networks in order to accommodate local number portability. Information from the Chicago field test has been and will continue to be available to US WEST to support ongoing testing

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and any necessary modifications to existing systems. If in the future US WEST believes that it needs more time to implement local number portability, it must avail itself of the procedures in the Commission's Order to show that "extraordinary circumstances" justify that delay.

3. Next, US WEST's request that there be a survey on consumer attitudes about delay inherent in the Query on Release ("QoR") methodology misapprehends the Commission's reasoning. The performance criteria the Commission requires any local number portability methodology to meet preclude the use of QoR because QoR requires carriers to rely on competitors' networks. That reliance is anticompetitive and has nothing to do with consumer attitudes.

4. Finally, the Commission has adopted a Further Notice of Proposed Rulemaking regarding cost recovery mechanisms for long-term number portability. That proceeding will more than satisfy the need for establishing such mechanisms in a timely fashion. Additional clarification is unnecessary.

5. US WEST's petition and requests for further delay in implementing local number portability should be denied.

II. ARGUMENT

6. NEXTLINK is a competitive local exchange carrier that has begun to offer facilities-based service in a number of localities around the country. Prompt implementation of local number portability is important to NEXTLINK's ability to compete

in new markets. In light of the pro-competitive goals of the Telecommunications Act of 1996, and the Commission's thorough Report and Order, the Commission should not allow any delay in its schedule for implementing number portability as US WEST has requested.

A. Any Delay For Intra-Network Testing And Modification Is Unnecessary.

7. The Commission directed the member carriers of the Illinois Local Number Portability Workshop to conduct field tests in the Chicago area by August 31, 1997 regarding local number portability. Report and Order, ¶ 79. Information about the Chicago field test has been and will continue to be available to the industry. For example, the Chicago Location Routing Number ("LRN") test plan has been distributed widely in the industry for some time. Declaration of Christine Walker ("Walker Decl."), ¶ 4, attached hereto. Moreover, US WEST participates in industry fora, such as the Order and Billing Forum, where inter-carrier operational support system impacts of local number portability have been extensively analyzed and discussed, and it has sent representatives to Illinois to gather information about the Chicago field test. Id. US WEST has also participated actively in technical fora in the states of Washington and Colorado on the subjects of number portability and LRN technical requirements, operations and implementation issues and database technical requirements. Id. As a result, US WEST is generally

knowledgeable about the impact on its systems of the implementation of local number portability.

8. Based on information available to it, US WEST can conduct its own tests on its own systems and begin now to make required modifications to its systems. It need not participate in the Chicago trial to do so, nor must it await the outcome of the trial before beginning its own tests. Walker Decl., ¶ 5. Moreover, a delay of three to six months would not likely benefit US WEST in implementing local number portability. Output test results from the Chicago field test will be available as the project progresses, and US WEST can use them in conducting intra-network tests. Walker Decl., ¶ 6.

9. Recognizing the potential for legitimate causes of delay in the implementation process, the Commission has provided a mechanism for carriers to seek up to an additional nine months in the implementation schedule upon presentation of "substantial, credible evidence" that delay is required by "extraordinary circumstances beyond [the carrier's] control." Report and Order, ¶ 85. US WEST should avail itself of these procedures if in fact it encounters these "extraordinary circumstances" during the implementation process. Its present request for delay is premature and fails to demonstrate "extraordinary circumstances" warranting delay as required by the Report and Order.

B. The QoR Methodology Is Unacceptable.

10. US WEST's requests for further delay to survey consumer attitudes about delay inherent in the QoR methodology misses the point of the Commission's analysis. The Commission adopted ten performance criteria that any long-term number portability method must satisfy. Report and Order, ¶ 48. The fourth requirement is that "carriers have the ability to route telephone calls and provide services to their customers independently from the networks of other carriers." Id., ¶ 53. The Commission then listed several undesirable effects of requiring carriers to rely on competitors' networks to route calls. Id., ¶ 53.

11. The Commission unequivocally concluded that the competitive benefits of this fourth requirement -- that carriers not rely upon competitors' networks -- "outweigh any cost savings that QoR may bring in the immediate future." Id., ¶ 54. These competitive benefits would be unaffected by the results of any consumer preference study.¹ US WEST has not offered any reason for the Commission to reconsider its selection of performance criteria effectively precluding the use of QoR.²

¹Moreover, a consumer preference study would not be illuminating, because, as it is generally understood in the industry, consumers dislike delay in placing their telephone calls. Walker Decl., ¶ 7.

²Any effort to deploy the QoR methodology would engender even greater delays of months or even years because no switch manufacturer is currently being required to provide this technology. Walker Decl., ¶7.

**C. No Further Clarification Is Required Regarding
Cost Recovery Methodologies**

12. In its Further Notice of Proposed Rulemaking as part of the Report and Order, the Commission has solicited further comments on various aspects of appropriate cost recovery mechanisms regarding long-term number portability. The Commission also set forth a series of tentative conclusions regarding cost recovery methodologies and requested comment about them. See, e.g., Report and Order, ¶¶ 208-210, 213. The Commission's timetable required comments to be filed on or before August 16, 1996 and reply comments on or before September 16, 1996.³ The Commission is consequently proceeding expeditiously to resolve questions about appropriate cost recovery mechanisms for long-term number portability so that, contrary to US WEST's argument, no further clarification or delay is warranted.

III. CONCLUSION

13. Consistent with the pro-competitive goals of the Telecommunications Act of 1996, the Commission should not delay implementation of local telephone number portability as required by the Report and Order.

For the foregoing reasons, NEXTLINK requests that the Commission deny US WEST's Petition for Reconsideration and Clarification.

³US WEST made submissions on both dates.

Dated this 27th day of September, 1996.

Respectfully submitted,

DAVIS WRIGHT TREMAINE

By: Richard L. Cys
Daniel M. Waggoner
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
(206) 628-7707

Richard L. Cys
1155 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
(202) 508-6617

Counsel for NEXTLINK
Communications, L.L.C.

OF COUNSEL:

Bruce Easter, Esq.
Vice President and General Counsel
NEXTLINK Communications, L.L.C.
155 108th Avenue NE
Suite 810
Bellevue, Washington 98004
206-519-8900

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
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Telephone Number Portability) CC Docket No. 95-116
) RM8535
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DECLARATION OF CHRISTINE WALKER

1. My name is Christine Walker. I am Manager, Interconnection and CLEC Services of NEXTLINK Communications, L.L.C. ("NEXTLINK"). I understand that this Declaration will be submitted in support of NEXTLINK's Opposition to US WEST's Petition for Reconsideration and Clarification in the above-captioned matter.

2. NEXTLINK is a competitive local exchange carrier that has begun to offer competitive facilities-based service in a number of localities around the country.

3. I am familiar with the proceedings relating to the Commission's First Report and Order and Further Notice of Proposed Rulemaking ("Report and Order") released July 2, 1996 establishing a schedule for deployment of local number portability. I understand that US WEST, INC. has filed a Petition for Reconsideration and Clarification of the Report and Order, arguing in part that the Commission should delay implementation for three to six months to protect the reliability

of the public switched network, to allow time to evaluate the results of the Chicago field test and to allow tests within US WEST's own network.

4. The Chicago field test is scheduled to begin in the first quarter of 1997. Information about the Chicago field test has been generally available to the industry for some time. For example, the Chicago LRN test plan has been distributed widely in the industry. Moreover, US WEST participates in industry fora, such as the Order and Billing Forum, where inter-carrier operational support system impacts of LNP have been extensively analyzed and discussed, and it has sent representatives to Illinois to gather information about technical requirements relating to the Chicago field test and about LNP implementation impacts in general on operational support systems, database and networks. Furthermore, US WEST has participated actively in technical fora in both the states of Washington and Colorado on the subjects of LNP and LRN technical requirements, operations and implementation issues and database technical requirements.

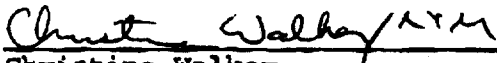
5. Based on information available to it, US WEST can conduct its own tests on its systems. It need not participate in the Chicago trial to do so, nor must it await the outcome of the trial before beginning its own tests. Likewise US WEST is in a position now to begin making modifications to its systems where necessary.

6. In my opinion, US WEST would not benefit from a delay of three to six months in implementing local number portability. Along with other incumbent LEC's, US WEST should be in the

process now of modifying its system to accommodate number portability. Output test results from the Chicago trial will be available as the project progresses and can be used by US WEST in conducting intra-network tests.

7. I understand that US WEST has also requested that the Commission reconsider deployment of the QoR method of portability. Doing so would delay implementation of portability for months or even years because no switch manufacturer is currently being required to provide this technology. More importantly, as the Commission recognized in the Report and Order, QoR requires that ported calls be routed through the original carrier's network, thereby creating a series of anticompetitive effects such as increased costs and post-dial delay. Report and Order ¶¶ 53, 54. It is generally understood in the industry that consumers prefer to avoid delay in placing their calls so that a consumer survey is unnecessary.

Pursuant to 28 U.S.C. § 1746 and 47 C.F.R. § 1.16, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 27th day of September, 1996.


Christine Walker